IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33607 of 2007(A)

AGAINST THE ORDER IN EP 120/2003. IN OS.261/1984 of PRL.MUNSIFF COURT,NEDUMANGAD

.....

PETITIONER:

---

1. MARKOSE THANKAPPAN, ASARIKANATHU MEKKUNUKARA PUTHEN VEEDU, KULAPPADA, ELIYAVOOR VILLAGE, UZHAMALAKAL.

2. MARKOSE JAYAN, ASARIKANATHU MEKKUNUKARA PUTHEN VEEDU, KULAPPADA, ELIYAVOOR VILLAGE, UZHAMALAKAL.

BY ADV. SRI.VELLAYANI SUNDARARAJU
SMT.P.MEENAKUMARI.

RESPONDENTS:

---

1. KAMALA BAI, PARACKAL VEEDU, PARACKAL JUNCTION, VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT.

2. MOHANAKUMAR, VANCHIYOOR COURT VIEW NAGAR, T.C. 25/3113(3), ANJANAYA, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

==========

W.P(C).No.33607 of 2007

==========

Dated this the 14th day of November, 2007.

JUDGMENT

This Writ Petition is filed to quash Ext.P1 order by declaring that it was issued without considering the pendency of S.A.No.603 of 1994. The proper remedy for the party to get a stay of the order is to move the court where the Second Appeal is pending and not by way of an application under Article 227 of the Constitution of India.

Therefore, with liberty to the writ petitioners to move the second appellate court for relief, this Writ Petition is disposed of.

M.N.Krishnan,
Judge.

ess 14/11